



**MEETING MINUTES
FOR
BARRINGTON PLANNING BOARD
IN PERSON LOCATION**

**Early Childhood Learning Center
77 Ramsdell Lane
Barrington, NH 03825**

OR

You are invited to appear by audio phone or computer see below:

The public has access to contemporaneously listen and, if necessary, participate in the meeting through dialing the following phone #603-664-0240 and Conference ID: 935202292# OR link bit.ly/BarrPB20211207

**(Approved January 4, 2022)
Tuesday, December 7, 2021
6:30 p.m.**

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

ROLL CALL

Members Present

James Jennison, Chair
Jeff Brann, Vice Chair
Steve Diamond-Remotely
Andy Knapp ex- officio
Ron Allard-(arrived at 7:04 p.m.)
Buddy Hackett
Andrew Melnikas-Remotely

Members Absent

Donna Massucci

Code Enforcement Officer: John Huckins

Staff: Barbara Irvine

Town Administrator: Conner MacIver

Planning Consultant: Carol Ogilvie-Remotely at 6:52 p.m.

MINUTES REVIEW AND APPROVAL

1. Approval of November 30, 2021, meeting minutes.

A motion was made by J. Jennison and seconded by J. Brann to approve the minutes as written.

Roll Call:

B. Hackett-Yay
A. Melnikas-Yay (Remotely)
J. Brann-Yay
S. Diamond-Yay (Remotely)
J. Brann-Yay
J. Jennison-Yay

ACTION ITEMS CONTINUED FROM November 2, 2021

2. [270-2&3 273-49-GR-21Sub \(11\) \(Owner: Anthony Serra\)](#) Request by applicant Sal Ragonese to construct an 11-lot Conservation Subdivision with a 690' cul-de-sac and a 9.6 Special Permit at 44 Meadowbrook Drive (Map 270, Lots 2&3 and Map 273, Lot 49) on 58.57 +/- acres in the General Residential Zoning District. BY: Barry Gier, P.E., Jones & Beach Engineers, Inc.; Po Box 219; Stratham, NH 03885.

J. Jennison gave a brief description of the application.

Barry Gier from Jones & Beach Engineers explained that they are asking for a continuance until January 4, 2022, due to waiting for comments back from CMA Engineers from their review.

A motion was made by J. Brann and seconded by A. Knapp to continue the application for 44 Meadowbrook Drive until January 4, 2022. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay (Remotely)
B. Hackett-Yay
J. Jennison-Yay
J. Brann-Yay
A. Knapp-Yay
S. Diamond-Yay (Remotely)

3. [251-63-RC-21-SR \(Owners: Steven & Pamela Lenzi\)](#) Request by applicant Robert Russell from 2A Tactical, LLC for Site Review and waivers to construct a 6,000 s.f. will have 2 story building with 11,080 s.f. useable space. The building will have 4,120 s.f. office/classroom space and 2,624 s.f. of retail space, 3,376 s.f. of warehouse/storage space with 960 s.f. of gunsmithing space and have classes with maximum 20 students that will occur during off hours. The location will be on the corner of Calef Highway (aka Route 125) and Bumford Road on 8.6 acres in the Regional Commercial Zoning District. (Map 251, Lot 63). BY: Scott Frankiewicz, LLS & Bernie Temple, PE; New Hampshire Land Consultants, PLLC.; 683C First NH Turnpike; Northwood, NH 03261.

J. Jennison gave a brief description of the application.

Dwayne Watson from Unified Builders, Inc. explained that they would like to ask for a continuance to the next available date.

A motion was made by J. Brann and seconded by A. Knapp to continue the application for 2A Tactical, LLC to January 4, 2022. The motion carried unanimously.

ACTION ITEMS

4. **245-15.1-GR-21-SR (Scenic Rd) (Owner: Brian Hovelle)** Request by applicant for a Site Review to do tree trimming and removal along 67 Cooper Road which is a scenic road. The work is required for construction of a utility line extension to service a new home at 67 Cooper Road. (Map 245, Lot 15.1) in the General Residential Zoning District. BY: Robert Berner; Eversource, 13 Legends Drive; Hooksett, NH 03106.

J. Jennison gave a brief description of the application.

Terry Cooper was representing the owner Brian Hovelle; he was the contractor for Eversource. Terry explained the building was past the power poles and required four new poles that have already been placed. Terry explained that his job was to assess trees or vegetation that was between the poles that would interfere with putting up the powerlines to get power to the house. Terry explained that assessed area was only looking for things that are directly between the poles. The tree locations are marked on the map with any trimming between the poles. Terry explained the normal trimming was 8' to the side, 10' below, and 15' above the conductor. Terry explained that the plans showed the trees that are right in the line of site from pole to pole and looks to be 10 or 11 trees in total to be removed.

A motion was made by J. Brann and seconded by A. Knapp to accept the application as complete for 67 Cooper Road. The motion carried unanimously.

Roll Call:

- A. Melnikas-Yay (Remotely)
- B. Hackett-Yay
- J. Jennison-Yay
- J. Brann-Yay
- A. Knapp-Yay
- S. Diamond-Yay (Remotely)

B. Hackett asked if all the trees on the plan were coming down.

Terry explained that all the trees marked are coming down and others would be just trimmed. Jerry explained that Eversource has a 4-year trim cycle and there is a buffer left behind the poles.

A. Knapp asked if they also had to request this from Northwood as well.

Terry explained that they are not over the Northwood line.

S. Diamond asked about burying the lines and you can leave the trees with no lines with trees coming down.

Terry explained that would be an expense to the owner of the new house and they don't usually bury lines on the road with poles. Terry explained that his assessment was to look at what vegetation needed to be with the poles that are already there.

John Huckins explained that you would need to stay on one side of the road and dig every ditch line to put them all in. John explained by keeping vegetation on both sides of the road.

J. Jennison asked if this was going to be a reoccurring after this?

Terry explained that this was a scenic road, this would go on the scenic list, and if any trimming needs to be done every 4 years.

J. Jennison opened public comment.

J. Jennison closed public comment.

A motion was made by A. Knapp and seconded by J. Brann to approve the trimming of the trees on Cooper Road. The motion carried unanimously.

Roll Call:

- A. Melnikas-Yay (Remotely)
- B. Hackett-Yay
- J. Jennison-Yay
- J. Brann-Yay
- A. Knapp-Yay
- S. Diamond-Yay (Remotely)

J. Jennison read Precedent Conditions:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0330

jhuckins@barrington.nh.gov

DRAFT NOTICE OF DECISION

Office use only	Date certified:	As built plans received:	Surety returned:
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Re: 245-15.1-GR-21 (Owners: Brian Hovelle) Request by applicant to trim and remove trees in order to extend a utility line.			
<p>Owner: Brian Hovelle 23 Richmond Street Dover, NH 03820</p> <p>Applicant: Robert Berner (representing Eversource) 13 Lebends Drive</p>			

Hooksett, NH 03106

Professional:

Dated: December 7, 2021

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 7, 2021 meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note:

If all of the precedent conditions are not met within 12 calendar months to the day, December 7, 2022, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 1) Add the following plan notes:
 - a) N/A

- 2) Revise the following plan notes:
 - a) N/A

- 3) Any outstanding fees shall be paid to the Town.

- 4) Prior to obtaining Board signature, the Applicant shall submit three (3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval. The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

General and Subsequent Conditions

- 1) The applicants engineer shall certify in writing all improvements have been constructed as approved prior to the issuance of a certificate of occupancy.

- 2) School Impact Fee will be accessed at the time of the building permit submittal by the Building Inspector and paid prior to the issuance of a certificate of occupancy.

- 3) Where no active and substantial work, required under this approval has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to

exceed one year, may be granted, by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and other Town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and improvements indicated on the site plan. RSA 674:39

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,
John Huckins
Zoning Administrator

cc: File

5. [126-19&24-GR-21-LL \(Owner: Nicholas Mitropoulos\)](#) Request by applicant for a Lot Line Adjustment between Lots 19 and 24 (Map 126, Lots 19 & 24) by transferring parcel "A" from Lot 24 to Lot 19 on River Road in the General Residential Zoning District.

J. Jennison gave a brief description of the application.

Nicholas Mitropoulos owner of the Lot 24 explained to the Board that he bought property from the Town and he was splitting it with the abutter per the Town.

A motion was made by A. Knapp and seconded by J. Brann to accept the application as complete. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay (Remotely)
B. Hackett-Yay
J. Jennison-Yay
J. Brann-Yay
A. Knapp-Yay
S. Diamond-Yay (Remotely)

J. Brann asked about the decrease in the size of Lot 24.

John Huckins explained that the larger lot across the street was the lot that the Town owned. John explained that when the lot was purchased from the Town there was a mistake made where that lot got merged into the two lots together. John explained that they went to the Zoning Board for relief to make that lot smaller. John explained that originally the two lots would have been divided in half but because an error was made, this was done to correct the error.

J. Brann asked if they were creating a new lot with Lot 24 only being 23,000 s.f. and got a variance.

Paul explained that they received a variance because they should have never added it to his lot, they should have just done a Lot Line Adjustment.

J. Brann asked what they were going to do with the lot.

Paul explained that none of the abutters wanted this lot built on so this was offered to the abutters. Paul explained that he and the Reilly's purchased it if they could split in half.

S. Diamond asked if that new lot would not be built on.

John Huckins explained that this lot would be part of the building lot across the road next to the lake. John explained that if the future they could put a garage on it but not a separate home on the lot because you are only allow one building per lot.

A. Knapp asked if it would still be one lot.

John explained that it would still be one lot.

J. Jennison explained it was a non-confirming lot and making the lot smaller.

Carol arrived 6:52 p.m.

Nicholas explained that the reason he wanted that lot was because his well was on that lot and could protect his well.

J. Jennison opened public comment.

J. Jennison closed public comment.

J. Jennison read Precedent Conditions:



Planning & Land Use Department
Town of Barrington
PO Box 660
333 Calef Highway
Barrington, NH 03825
603.664.0330
jhuckins@barrington.nh.gov

DRAFT NOTICE OF DECISION

<i>Office use only</i>	<i>Date certified:</i>	<i>As built plans received:</i>	<i>Surety returned:</i>
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Re: <u>126-19&24-GR-21 (Owners: Christopher & Carol Reilly)</u> Request by applicant for a Lot Line Adjustment at 57 River Road (Map 126, Lots 19 & 24) on 4.361 acres in the General Residential Zoning District. BY: Nicholas Mitropoulos, 315 Rochester Hill Road, Rochester, NH 03866			
Owner: Christopher & Carol Reilly			

59 River Road
Barrington, NH 03825

Applicant:

Nicholas Mitropoulos
315 Rochester Hill Road
Rochester, NH 03866

Professional:

Robert J. Stowell
Tritech Engineering Corporation
755 Central Avenue
Dover, NH 03820

Dated: December 7, 2021

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 7, 2021, meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note:

If all of the precedent conditions are not met within 12 calendar months to the day, December 7, 2022, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 2) Add the following plan notes:
 - a) A variance was granted by the ZBA on November 22, 2021
- 2) Revise the following plan notes: N/A
- 3) Any outstanding fees shall be paid to the Town.
- 4) Prior to obtaining Board signature, the Applicant shall submit three (3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval. The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

General and Subsequent Conditions

- 1) The applicants engineer shall certify in writing all improvements have been constructed as approved prior to the issuance of a certificate of occupancy.
- 2) Where no active and substantial work, required under this approval has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and other Town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and improvements indicated on the site plan. (RSA 674:39)

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

John Huckins
Zoning Administrator

cc: File

A motion was made by A. Knapp and seconded by J. Brann to approve the Lot Line Adjustment Map 126, Lots 19 & 24 on River Road. The motion carried unanimously.

Roll Call:

- A. Melnikas-Yay (Remotely)
- B. Hackett-Yay
- J. Jennison-Yay
- J. Brann-Yay
- A. Knapp-Yay
- S. Diamond-Yay (Remotely)

6. [239-1-TC-21-AmendSR \(Owner: Candice Harvey\)](#) Request by applicant to amend approved Site Plan to add an addition over the filled in ground pool area. (Map 239, Lot 1) The applicant is proposing to construct a 2 bedroom to the existing home using same square footage as the existing swimming pool approximately 2,000 square feet in the Town Center Zoning District.

J. Jennison gave a brief description of the application.

Candice Harvey owner of 643 Franklin Pierce Highway explained they they want to put in an apartment over where the foundation of the pool was.

John Huckins explained that they are before the Board for a residential use, but they have a mixed-use lot. John explained because they came for Site Review for the business, they had to come before the Board because they are expanding the use.

J. Brann explained looking at the plan looks like a separate apartment.

Ray Estes explained that it was attached to the main house.

J. Brann expressed that it was on the side.

J. Jennison asked if it meets the ADU guidelines.

Ray explained that it's proposed as a complete in-law apartment.

John Huckins explained to the Board that they can build a duplex without site approval. John explained that one or two family do not need site approval. John explained to the Board that they are expanding their Site Plan because they have more than 1.86 acres, they can do a duplex by right. This does not need to meet ADU requirements.

R. Allard joined the meeting at 7:04 p.m.

Ray explained that its going to be built on a slab, single story, with no basement.

J. Jennison explained to the Board that they are to look at it to see if it changes anything in the previous approved Site Plan.

J. Brann asked about parking.

Ray explained that they are going to share there parking.

J. Jennison asked if it was going to affect the business use parking.

Ray stated no.

John explained to the Board that he has a letter from Chris Berry stating that the septic supports this and they also received an engineered report that the foundation around the pool would support the structure with a small area that needs concrete work.

S. Diamond asked how many no competing parking spaces are there.

Ray explained that there would be three parking spots outside the existing residence running along the area that pulls into the garage.

A motion was made by A. Knapp and seconded by J. Brann to accept that application as complete for the amended site plan. Vote 6/-abstained

Roll Call:

A. Melnikas-Yay (Remotely)

B. Hackett-Yay

J. Jennison-Yay

J. Brann-Yay

A. Knapp-Yay

S. Diamond-Yay (Remotely)

R. Allard-abstained himself

J. Jennison opened public comment.

Dave Garvey explained his interest is the property next door and is representing Mr. Henderson. Dave addressed some issues from the site and stated that the site was being operated as a junkyard. Dave explained that on the rear side there are several environmental issues; he showed the Board pictures.

J. Jennison asked if there was a formal complaint.

Dave also supplied additional pictures to the Board and explained that the pictures are of the back point of the lot. Dave explained that some of the stuff was in his right of way, and they have debris on the credit union lot.

B. Hackett asked if in one of the pictures was that wetlands or standing water?

Dave stated it was wetlands.

Ray explained that he cut down the trees and everything cleared to put the parking lot in was all hauled off in dumpsters. Ray explained that he has all the receipts from when they hauled the material away. Ray explained what was already there when they purchased the property.

J. Jennison asked if they were saying that the material discussed was not on the property currently.

John Huckins explained that it shows a concrete tank, and construction equipment.

Ray explained that the construction equipment was his; he runs a construction company and there was a tank out there and thought it was in the easement area.

B. Hackett asked if any of this was on the property when it was purchased.

Ray explained that some of the tires were.

J. Brann suggested showing the pictures to Ray so that he could comment.

John Huckins explained to the Board that per the pictures, the only things that would meet the definition of a junk yard would be the tires.

J. Jennison asked John Huckins if to run a construction business out of there as well is not in compliance with the site review.

John explained that he doesn't need a site review to run a contractor's business out of there. However, John explained that by the Town regulations they if they have a contractor's storage yard and talks about heavy equipment. John explained that you are allowed one piece of heavy equipment and when the second heavy equipment comes in that would be considered the contractor's storage yard per the definition.

J. Brann questioned that the heavy equipment wasn't part of the initial site review.

John explained that they didn't come in to run a contractors storage yard.

A. Knapp asked if this was relevant to this application because that's a secondary item that would be addressed by filing a formal complaint with John Huckins Code Enforcement. A. Knapp explained that it's not relevant to a building permit to put an addition on.

J. Brann explained that it has been identified that there might be a second business at a location where the Board only approved one business.

Ray explained that he stores the equipment there and he also lives there. Ray explained that he has another site that he stores equipment at, and he could move this equipment there.

John Huckins explained that they could modify this application to have the equipment there. John stated he would like to review the regulations to make sure he wasn't missing something so the application would need to be continued to do that.

J. Brann asked if the rules were for a contractor storage yard was one piece of equipment.

John Huckins explained that in the pictures he has more than one piece of equipment and explained that he was in violation of a contractor's storage yard at this point by the pictures.

J. Jennison stated if there was a complaint made.

John explained that by the pictures he was in violation.

J. Brann asked what if someone brought pictures to the Board that shows that something was non-conforming with the regulations in the Zoning Ordinance.

John explained that he was recommending that the Board continue this meeting and amend his application to keep his construction equipment there.

Ray explained that he would just move it.

J. Jennison expressed that this complaint should have gone to the appropriate channels not to the Planning Board and the Board can weigh on the information.

A. Melnikas asked if the tanks were empty and what was in the tanks. He also explained if they were in a wetland area maybe Conservation would like to know.

Ray explained that was an old fuel tank and that's what the concrete cistern was for; that tank sits inside there and they have never used it.

Candice stated that the tank was empty.

A. Melnikas asked if it were empty and was a cleaned properly especially, where it's in a wetland area and conservation would probably be interested where the tank was in a wetland property.

Ray explained that they have never used it and it was given to him as a unit; it was completely empty when he received it. Ray explained that he would move it to a different site.

J. Jennison explained that he felt it would not be conservation that comes into play.

A. Knapp stated they are not enforcement, they're just an advisory Board.

J. Brann explained that if the Board approves this application, that they are going to go by the rules and requirements.

John Huckins explained that the Board could make one of the conditions for approval be that all the contracting equipment be removed from the site and give a timeline to do so.

Ray explained that the brush was there when they moved there; someone else dragged the brush there.

J. Jennison asked if you could put brush in a wetland land.

John stated that you could.

A. Knapp asked if there was still a legal case.

Candice stated that the case was still pending.

Ray explained that there was an appeal currently pending.

Dave Garvey explained that there was an appeal, which the court struck down in his favor. They appealed for a re-hearing and the judge struck that down also, so their only avenue is to appeal was to Supreme Court, which as of this point, they have not done it. Dave explained that he has asked the Board to do a site walk prior to granting any kind of approval so you can see with your own eyes what's there. Dave expressed to the Board whether this was an appropriate application and if they meet the requirements.

J. Brann expressed that they just because owners of this property within the last two years, there a question as to whether any of this was done, according to their statements, anything that was put into the wetlands area prior to them owning the property.

Dave stated that maybe true or not.

John explained that the site walk would say either.

Dave explained that the site walk would let the Board see with there own eyes what has happened.

J. Brann asked what type of material in the pile was brush.

Dave explained that there were all kinds of materials in the pile that they have put there. Dave explained from DES perspective, they are the property owner so that was their responsibility.

J. Brann expressed that to Dave that you keep saying that they did this, and they did that.

Dave expressed that he said it was put there.

B. Hackett stated to Dave that he said they put in there.

A. Knapp reminded Dave that this was recorded.

J. Jennison explained that these conditions can be addressed under conditions precedent, and this would be cleaned up. J. Jennison explained that this was a by right application to add to their property; it's not something that the Board was giving special exception too.

John clarified that if it's a DES issue on someone else's property, it's the property owners issue no matter who put it there. John explained if the neighbor feels someone else put it there, that's a civil issue for them trespassing this has nothing to do with this Board.

A. Knapp expressed that he didn't see what a value of a site walk would add to this about an addition over an existing pool. A. Knapp explained that the Board would add under conditions precedent to clean up the area.

Dave expressed that they said they didn't put any brush on the credit union property, and it wasn't there prior to him [applicant] putting in the septic system.

A. Knapp explained that would be an issue between the credit union and the applicant, not a Planning Board issue.

John explained that this was the first time he seen these issue; no complaint has been filed.

S. Diamond explained to the Board that Regional Planning tracks leaking underground storage tanks; it was a factor of environmental contamination that was a tracked on a regional level. S. Diamond expressed that under the conditions, it may want to add equipment might be defunct and make sure it doesn't have gasoline or oil in it.

J. Jennison closed public comment.

A. Knapp asked about the stairs.

Ray explained that it would be one story with stairs to the attic. Ray explained that the plans are not complete.

J. Brann asked about the plan saying it's a pool; need to show that on the plan has it is an addition.

John Huckins explained that they need a plan showing that its an addition not a pool.

J. Jennison read Conditions Precedent:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

jhuckins@barrington.nh.gov

DRAFT NOTICE OF DECISION

Office use only	Date certified:	As built plans received:	Surety returned:
<i>"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.</i>			
Re: <u>239-1-TC-21Amend SR (Owners: Candice Harvey)</u> Request by applicant to construct an additional dwelling onto an existing single-family home on a mixed-use lot.			
Owner:			

Candice Harvey
643 Franklin Pierce Highway
Barrington, NH 03825

Applicant:
Same

Professional:
Bethel Stephens

Dated: December 7, 2021

Dear applicant:

This is to inform you that the Barrington Planning Board at its December 7, 2021 meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note:

If all of the precedent conditions are not met within 12 calendar months to the day, December 7, 2022, the Board's approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board.

Conditions Precedent

- 3) Add the following plan notes: N/A
- 4) Revise the Plan Titled "Existing Conditions Plan Prepared for Bellaviso Salon & Spa", dated October 14, 2019, prepared by David W. Vincent, LLS as follows:
 - a) Identify the location of the new dwelling addition on the site of the former swimming pool and remove the label for the swimming pool.
- 3) Any outstanding fees shall be paid to the Town.
- 4) Prior to obtaining Board signature, the Applicant shall submit three (3) complete paper print plan sets and supporting documents as required in Article 3 with a letter explaining how the Applicant addressed the conditions of approval. This shall include final and complete reports for all items submitted during review for the Town of Barrington's file. The Chairman shall endorse three copies of the approved plan(s) meeting the conditions of approval The Town shall retain a signed and approved reproducible 11"X17", and PDF format with supporting documents for Town records.

- 5) Prior to the Final Notice of Decision being issued, the Code Enforcement Officer shall verify that all construction material and debris not associated with the approved site plan shall be removed.

General and Subsequent Conditions

- 1) School Impact Fee will be assessed at the time of the building permit submittal by the Building Inspector and paid prior to the issuance of a certificate of occupancy.
- 2) Where no active and substantial work, required under this approval has commenced upon the site within two years from the date the plan is signed, this approval shall expire. An extension, not to exceed one year, may be granted, by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date. The Board may grant only one such extension for any proposed site plan. All other plans must be submitted to the Board for review to ensure compliance with these and other Town ordinances. Active and substantial work is defined in this section as being the expenditure of at least 25% of the infrastructure improvements required under this approval. Infrastructure shall mean in this instance, the construction of roads, storm drains, and improvements indicated on the site plan. (RSA 674:39)

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

John Huckins
Zoning Administrator

cc: File

A motion was made by J. Brann and seconded by A. Knapp to approve the site plan for an addition to an amended Site Review. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay (Remotely)
B. Hackett-Yay
J. Jennison-Yay
J. Brann-Yay
A. Knapp-Yay
S. Diamond-Yay (Remotely)
R. Allard-Yay

7. [213-6-GR-21-\(2\) Sub \(Owner: Robert Diberto\)](#) Request by applicant to propose a subdivision to subdivide into 2 Lot subdivision with both lots would access by an existing gravel driveway (Map 213, Lot 6) and a waiver on Sloper Road in the General Residential Zoning District. BY: Chris Berry; Berry Surveying & Engineering, 335 Second Crown Point Road; Barrington, NH 03825.

J. Jennison gave a brief description of the application.

Bob Diberto owner the Sloper Road lot explained to the Board that he has a 32.72-acre lot that he was proposing to divide into 2 Lots. Bob explained that each lot would be approximately 16 acres each. Bob explained that the two lots would share a driveway and the driveway has already been installed. Bob explained that the driveway was 16' wide with 4 turnouts in it, The memo from the Fire Department that

speaks of a 12' driveway; that's incorrect. Bob explained that he has two documents one from the contractor and one from Berry Surveyor.

S. Diamond stated that the Fire Chair said that it averages 12'.

Bob said that was correct, but it averages 16' or better.

J. Jennison read memo below from Chris Berry and Paul Guptill:



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road
Barrington, NH 03825
Phone: (603) 332-2863
Fax: (603) 335-4623
www.BerrySurveying.Com

Robert Diberto
334 Durham Road
Madbury, NH 03820

December 7, 2021

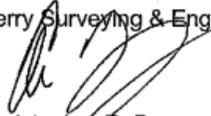
RE: Diberto Parcel
Subdivision Waiver Request
Sloper Road
Tax Map 213, Lot 6

Bob,

At your request we evaluated the existing driveway off Sloper Road which is to be used in the subdivision application on Tax Map 213, Lot 6, and have found that the width ranges. The average width of the driveway is 16' and in many places wider.

Please let us know if you need any further information.

Berry Surveying & Engineering


Christopher R. Berry
Project Manager

LCG Limited

P.O. Box 587
Barrington, N.H. 03825

Excavating Services

Paul James Gupstill, *President*
Audrey Clark Gupstill, *Treasurer*

Telephone: (603) 664-9341
Fax: (603) 664-5527

		<p>Build specs. for driveway off Sloper Rd. Barrington, NH, for Bob Diberto. Driveway, built a minimum of 16 feet wide, including 4 turn outs, rip rap slopes where necessary, other slopes loamed and seeded, installed 12 inches 6" minus gravel and compacted.</p> <p>Sincerely Paul J. Gupstill 12-1-2021</p> 		
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John Huckins explained to the Board that the regulations state the minimum was 10' and maximum was 18'. John explained that he was pushing the maximum. John explained that he put this in the recommendations because the Fire Chief wanted it built to a road standard but if the Board wants to change this [i.e., agree with Fire Chief recommendation] the regulations need to be changed.

S. Diamond explained that he felt the Fire Chief was talking fire code.

John explained that the fire code for 1 and 2 family homes are totally exempt from the stuff to do with the Class 6 and private roads. John explained that Paul Gupstill's memo explains it all. John explained that if the Board felt driveway needs to be 20' wide then the driveway regulations need to be changed.

S. Diamond explained that it was the Fire Chief and the Road Agent who had some significant concerns.

John explained that you can only enforce of the rules of the regulations and ordinances. John explained if this was denied you must give what ordinance and regulation they did not comply with. John explained that if this was to go to court the Town would lose.

A. Knapp explained that it's a 20' wide you're beyond the maximum requirement of a driveway standard.

John explained that they would need a waiver to put a driveway in that wide.

J. Jennison explained that the Road Agent said 22' to 24'; that's quite wide.

John explained that the private roads are less than that. John explained that the Road Agent thought it was a private road, not a shared driveway.

J. Brann asked if there were turnouts on the driveway. J. Brann explained after talking with the Fire Chief he would like a turnout every 500'. And he [Fire Chief] said 1,000' of hose was the maximum he could run.

John explained that the reason for the turnout was getting one truck by another truck.

J. Brann explained that the other problem was that you have vehicles parked at the structure and they need to get them back out of the way of the equipment so he [Fire Chief] can get to the structure.

John explained that there was also a sight distance; they want to be able to see from one turnout to the next.

J. Jennison asked John if this meets the requirements for a backlot subdivision.

John explained to the Board that they need to add an agreement for the road and if you read the regulation to make this part of the conditional approval.

R. Allard explained that the road agreement must be executed and shown on the record plan with the deeds for each lot. R. Allard explained that the ownership of the neck should be 50/50 and this doesn't do that.

John explained that there was 25' width on each lot going down the neck.

R. Allard explained that 25' was 50/50 at the entrance but not further up the neck.

John explained that they are each getting 25 that 50/50.

R. Allard read that if there were two backlots, the ownership of the neck should be owned equally by both back lots.

John explained that if you go to zoning that 50' is required, i.e., 25 each, and that was in zoning.

R. Allard explained that it says equally so that to him means the requirement 50percent and 50 percent.

John asked what the width was on each one.

R. Allard showed on the plan that it was not 50/50 on each one; the neck widens about half way back to the lots so one side widens to be greater than 25' and 50%..

A. Knapp asked if this is because it jogs out.

R. Allard explained that the boundary line's straight in the neck and the road was not; by keeping the line straight it's not 50/-50 when that happens [neck widens].

J. Jennison asked if the property line should follow the curvature.

John explained no it should be in the middle road.

A. Knapp expressed that where the jog was, he felt it was a little on the extreme end of nitpicky and they are going to have a shared easement across them anyway.

R. Allard expressed that he would say yes if there was a waiver because technically it doesn't follow the regulations.

A motion was made A. Knapp and seconded by J. Brann to accept the application for Sloper Road as complete. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay (Remotely)

B. Hackett-Yay

J. Jennison-Yay

J. Brann-Yay

A. Knapp-Yay

S. Diamond-Yay (Remotely)

R. Allard-Yay

**Request for the following waivers:
8.8 to the final plan**

A motion was made by A. Knapp and seconded by R. Allard to grant the waiver for 8.8 to the final plan as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay (Remotely)

B. Hackett-Yay

J. Jennison-Yay

J. Brann-Yay

A. Knapp-Yay

S. Diamond-Yay (Remotely)

R. Allard-Yay

11.2.4 (3) 50% of the neck shall be part of each backlot

A motion was made by J. Brann and seconded by A. Knapp to grant the waiver for 11.2.4 (3) as not granting the waiver would pose an unnecessary hardship to the applicant and granting the waiver would not be contrary to the spirit and intent of the regulations. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay (Remotely)

B. Hackett-Yay

J. Jennison-Yay
 J. Brann-Yay
 A. Knapp-Yay
 S. Diamond-Yay (Remotely)
 R. Allard-Yay

J. Jennison opened public comment.

J. Jennison closed public comment.

S. Diamond read from the Fire Chief letter this driveway is long and winding and does not always provide adequate site distance. The Road Agent talked about a double S curve, and he was looking in Subdivision Regulations and Zoning to see if there's any site line requirements within driveways or turning radii on how shape the curves are. S. Diamond asked if those exist anywhere.

John explained that there wasn't and the regulations for the driveway was the section in subdivision that he highlighted. John explained that at the end of the page it talked about safety in the driveway and that safety applies to paving the end of the driveway.

J. Jennison read Conditions Precedent:



Planning & Land Use Department

Town of Barrington

PO Box 660

333 Calef Highway

Barrington, NH 03825

603.664.0195

jhuckins@barrington.nh.gov

DRAFT NOTICE OF DECISION

[Office use only]	Date certified:	As built received: n/a	Surety returned n/a
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"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

Proposal Identification: 213-6-GR-21-(2)Sub (Owners: Robert Diberto) Request by applicant for a 2 Lot Subdivision on Sloper Road on 32.72 acres (map 213, Lot 6) in the General Residential Zone. By Chris Berry, Berry Surveying & Engineering; 335 Second Crown Point Road; Barrington, NH03825

Owner:
 Robert Diberto
 PO Box 492
 Cape Neddick, Me 03902

Dated: XXXXX/2021

Professional:

Kenneth A. Berry Berry Surveying & Engineering 335 Second Crown Point Road Barrington, NH 03825	
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Dear applicant:

This is to inform you that the Barrington Planning Board at its December 7, 2021 meeting **CONDITIONALLY APPROVED** your application referenced above.

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Board. Certification of the plans is required prior to commencement of any site work or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please Note* If all of the precedent conditions are not met within 6 calendar months to the day, by June 7, 2022, the Boards approval will be considered to have lapsed, unless a mutually agreeable extension has been granted by the Board. *Reference 8.2.3 of the Town of Barrington Subdivision Regulations*

Conditions Precedent

- 1)
 - a) Add the owner's signature to the final plan
 - b) Add the wetland scientist stamp & signature to the final plan
 - c) Add Waiver granted for Subdivision Regulation 8.8 to the final plan
 - d) Add Permanent Road agreement to the final plan and deeds
 - e) Add Waiver granted for Subdivision Regulation 11.2.4 (3) 50% of the neck shall be part of each backlot

- 2)# Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and all points of curvature and points of tangency. Monuments for the lot being developed shall be placed not more than 300 feet apart in any straight line. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan. *(Reference 8.8 of the Town of Barrington Subdivision Regulations)*

- 3) Any outstanding fees shall be paid to the Town

- 4) Final Drawings (a) five sets of black line (b) plus one set of 11"X17" final approved plans must be on file with the Town. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. Note. If there are significant changes to be made to the plans, as specified above, one full size check print must be sent to the Land Use Office for review prior to producing these final drawings.

General and Subsequent Conditions

1)# In accordance with RSA 674:39 active and substantial development shall mean the expenditure of at twenty-five percent (25%) of the infrastructure costs required for a development, as indicated by a subdivision approved by the Planning Board, within (24) months of said approval, where approved plans have been properly recorded at the Registry of Deeds. Infrastructure shall mean in this instance, the construction of roads, storm drains, water and sewer facilities, or parking lots. Compliance with this definition shall also necessitate that a bond or other security to cover costs of said infrastructure requirements has been posted with the Town prior to the beginning of construction, if required as a condition of approval.

(Note: in both sections above, the numbered condition marked with a # and all conditions below the # are standard conditions on all or most applications of this type).

I wish you the best of luck with your project. If you have any questions or concerns, please feel free to contact me.

Sincerely,

John Huckins
Zoning Administrator
cc: File

S. Diamond asked if there were any concerns on the Fire Chief's comment about the weight of the fire truck.

John explained the regulations would need to be changed if you want to change the construction of that driveway.

J. Brann explained to S. Diamond that he didn't see the bill for the driveway that they saw, which indicated the driveway was built to driveway standards in the regulations.

A motion was made by A. Knapp and seconded by R. Allard to approve the 2 Lot subdivision with waivers on Sloper Road. The motion carried unanimously.

Roll Call:

A. Melnikas-Yay (Remotely)
B. Hackett-Yay
J. Jennison-Yay
J. Brann-Yay
A. Knapp-Yay
S. Diamond-Yay (Remotely)
R. Allard-Yay

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

John Huckins explained to the Board that a petition article came through but because of deadlines this could not be heard with the other amendments so this will be heard at the second proposed amendments hearing on January 4, 2022.

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD
SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

The next meeting will be December 14, 2021, at 6:30 p.m. at the ECLC 77 Ramsdell Lane.

A motion was made by A. Knapp and seconded by R. Allard to adjourn the meeting at 8:37 p.m.

Without objection the meeting was adjourned at 8:37 p.m.